

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter B. Madoff

Art Unit : 2165

Serial No. : 09/392,018

Examiner : Forest Thompson Jr.

Filed : September 8, 1999

Title : OPENING PRICE PROCESS FOR TRADING SYSTEM

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In reply to the examiner's Statement of Reasons for Allowance, that accompanied The Notice of Allowance dated January 26, 2006, Applicant submits the following remarks.

Applicant's claims are allowable for the reasons given by the examiner and for the reasons of record.

The examiner stated:

The most closely applicable prior art of record is referred to Rickard et al. (US Patent 6,016,483). Rickard et al. also teaches a method and apparatus for determining a set of opening prices and assigning allocation of imbalance after the opening price has been determined. Rickard et al. alone or in combination with another prior art fails to render obvious the application's above-mentioned underlined unique features(s).

Applicant also adds that Rickard fails to suggest any assignment of allocation that is based on posting an allocation message.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 1, 2006
Date of Deposit

Marie Collins
Signature

Marie Collins
Typed or Printed Name of Person Signing Certificate

Applicant : Peter B. Madoff
Serial No. : 09/392,018
Filed : September 8, 1999
Page : 2 of 2

Attorney's Docket No.: 10575-004001

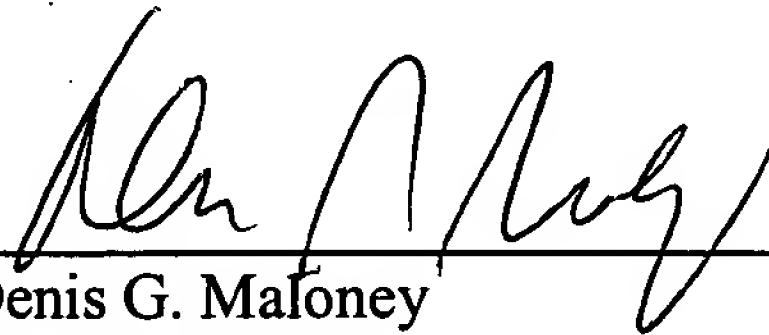
The prior art made of record and not relied is seen as neither describing nor suggesting Appellant's invention whether taken separately or in combination with the art of record.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

2/1/06



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21258315.doc